UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD PENCE, *et al.*,

Plaintiffs,

v.

MUNSON HOSPITAL, *et al.*,

Defendants.

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CASE NO. 1:17-CV-432

HON. ROBERT J. JONKER

ORDER

This matter is before the Court on Plaintiffs' motion named as "Pre-Injunctive Relief Motion Emergency!" (ECF No. 2), which the Court construes as an ex parte motion for temporary restraining order. The ex parte Motion for Temporary Restraining Order does not satisfy the procedural requirements of FED. R. CIV. P. 65(b)(1). Under Rule 65(b)(1), the Court may not issue a temporary restraining order without written or oral notice to the adverse party or its attorney unless specific facts in an affidavit or verified complaint clearly show that irreparable injury will result before the adverse party can be heard in opposition and the moving party provides written certification of any efforts made to give notice and why notice should not be required. The motion papers do not meet this burden. Among other things, the papers do not certify any efforts made to give notice to the adverse parties, and the papers do not provide any reason why such notice should not be required. FED. R. CIV. P. 65(b)(1). Therefore, the motion is barred on procedural grounds and is **DENIED**. Plaintiffs are free, of course, to file a new, procedurally proper motion for a temporary restraining order or other injunctive relief.

IT IS SO ORDERED.

Dated: May 10, 2017

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE